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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/585,698

07/10/2006

Hu Huang

80170-1060

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24504

7590

06/24/2009

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EXAMINER

ANDREWS, LEON T

ART UNIT

PAPER NUMBER

2416

MAIL DATE

DELIVERY MODE

06/24/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/585,698	<b>Applicant(s)</b> HUANG ET AL.	
	<b>Examiner</b> LEON ANDREWS	<b>Art Unit</b> 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 13-16 is/are allowed.
- 6) ☒ Claim(s) 11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/10/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 11-12** are rejected under 35 U.S.C. 102 (e) by Maes (Patent No.: US 6,934,756 B2).

**Regarding Claim 11**, Maes discloses a method for fast processing real-time media stream data package, employed in a network system (system/method implementing a real-time distributed protocol using real-time streaming, column 5, lines 31-33) comprising media gateway (Fig. 25, gateway 3026; VoIP gateway, column 3, line 55), IAD (Fig. 19, 1901, 1902, 1908, 1909, 1912) and IP multimedia terminal (terminal with multi-modal applications synchronized with VoIP, column 3, lines 51-53), comprising the following steps of:

Art Unit: 2416

in the direction of receiving, using an IP data package fast filter module (Fig. 2a, filter module 204) to replace a TCP/IP protocol stack (Fig. 14b, TCP/IP; Figs. 20, 22, TCP/IP, 2007/2008) data receiving process function set and SOCKET (Fig. 14b, TCP/IP and Sockets) receiving process; and

in the direction of sending, using a UDP fast sending module (UDP used with RTP for real-time implementation transmits the datagrams in a continuous/constant stream without delay lines 54-60) to replace a TCP/IP protocol stack (Figs. 20, 22, TCP/IP, 2007/2008) data sending process function set and SOCKET (Fig. 14b, Sockets) sending process.

**Regarding Claim 11**, Maes discloses the method according to claim 11, with characterized in further including setting a TCP/IP protocol stack module (Fig. 14b, TCP/IP), through which, SOCKET API (Fig. 14b, Sockets, Speech API) sending the data package in the situation that said UDP fast sending module (UDP used with RTP for real-time implementation transmits the datagrams in a continuous/constant stream without delay lines 54-60) can not accomplish sending the data package.

### *Allowable Subject Matter*

2. Claims 1-10 and 13-16 would allowable with the resolution of the following, since the closest art Maes (Patent No.: US 6,934,756 B2) failed to anticipate or render obvious the limitation of these claims:

### *Abstract*

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it repeated information given in the title and it exceeds 150 words in length. See MPEP § 608.01(b).

Abstract, lines 1-2 contains the same narrative given in the Title.

Correction is required.

### ***Drawings***

4. **Figures 3-5** should be retyped to allow the required typing to be within the required blocks. See MPEP § 608.02(g).

### ***Claim Objections***

5. **Claim 6** is objected to because of the following informalities:

Art Unit: 2416

**Claim 6, lines 1-2** recites “method for processing real-time media stream data package by using the system of claim 1”. In order to present the claim in a better form or required step/function to be performed, applicant is suggested to revise the claim language such that the method claim does not reference a system claim in the same claim.

Appropriate correction is required.

### **Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEON ANDREWS whose telephone number is (571)270-1801. The examiner can normally be reached on Monday through Friday 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Rao S. Seema can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/585,698  
Art Unit: 2416

Page 6

/Seema S. Rao/

Supervisory Patent Examiner, Art Unit  
2416

LA/la  
June 21, 2009